

# House File 2187

HOUSE FILE \_\_\_\_\_  
BY BAUDLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to bail restrictions imposed against a person who  
2 is an unauthorized alien.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5778YH 82  
5 jm/rj/5

PAG LIN

1 1 Section 1. Section 811.1, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 4. A defendant who is an identified  
1 4 unauthorized alien and is not lawfully present in the United  
1 5 States.  
1 6 Sec. 2. NEW SECTION. 811.1B UNAUTHORIZED ALIEN ==  
1 7 NOTIFICATION.  
1 8 The law enforcement agency responsible for the arrest of a  
1 9 defendant who has been denied bail pursuant to section 811.1,  
1 10 subsection 4, shall notify the United States immigration and  
1 11 customs enforcement about the defendant who has been denied  
1 12 bail.  
1 13 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 14 3, shall not apply to this Act.  
1 15 EXPLANATION  
1 16 This bill relates to bail restrictions imposed against a  
1 17 person who is an unauthorized alien.  
1 18 The bill provides that a person who is an identified  
1 19 unauthorized alien shall not be eligible for bail when charged  
1 20 with a criminal offense. In addition, under Code section  
1 21 805.1, a person not eligible for bail is required to be taken  
1 22 into custody.  
1 23 The bill also requires the law enforcement agency  
1 24 responsible for the arrest of an identified unauthorized alien  
1 25 to notify the United States immigration and customs  
1 26 enforcement about the unauthorized alien.  
1 27 The bill may include a state mandate as defined in Code  
1 28 section 25B.3. The bill makes inapplicable Code section  
1 29 25B.2, subsection 3, which would relieve a political  
1 30 subdivision from complying with a state mandate if funding for  
1 31 the cost of the state mandate is not provided or specified.  
1 32 Therefore, political subdivisions are required to comply with  
1 33 any state mandate included in the bill.  
1 34 LSB 5778YH 82  
1 35 jm/rj/5